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PART I

IMPORTANT GOVERNMENT ORDERS

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Sub.—Review of Annual Administration Report of the Directorate of Prosecutions, Bangalore for the year 1976-77.

Read.—Letter No. DPN/5724/78, dated 16th October 1978 from the Director of Prosecutions in Karnataka, Bangalore.

PREAMBLE ;

The Director of Prosecutions in Karnataka in his letter read above has forwarded the Annual Administration Report of his Directorate for the year 1976-77 for review and record.

ORDER No. LAW 114 LAM 78, BANGALORE, DATED THE 30TH NOVEMBER 1978.

The Annual Administration Report of the Directorate of Prosecutions in Karnataka Bangalore for the year 1976-77 annexed to this Order is hereby reviewed and recorded.

By Order and in the name of the Governor of Karnataka

C. K. RAMU,

*Under Secretary to Government,
Dept. of Law & Parly. Affairs. (Administration)*

ANNEXURE

Administration Report of the Directorate of Prosecutions in Karnataka for the Year 1976-77

GENERAL

The Directorate of Prosecutions, Dharwad and the Directorate of Prosecutions, Bangalore continued to function in the original set-up till 21st July 1976. Sri G. N. Sabahit continued to be the Director of Prosecutions, Dharwad till 21st July 1976 and Shri B. C. Srinivasan, Joint Secretary to Government, Department of Law and Parliamentary Affairs, continued to be in additional charge of the post of Director of Prosecutions, Bangalore, till the aforesaid date. The Director of Prosecutions, Dharwad exercised jurisdiction over the two Revenue Divisions of Belgaum and Gulbarga, whereas the Director incharge of Bangalore Division exercised jurisdiction over the Revenue Divisions of Bangalore and Mysore. There were two Deputy Directors who were also on deputation from the Officers of the cadre of Civil Judges of the Karnataka Judiciary and working under the Directors in each of the Directorates during the aforesaid period. In addition, two Senior Assistant Public Prosecutors also continued to assist the Director of Prosecutions, Dharwad.

As per Government Order No. LAW 84 PPE 75, dated 1st December 1975, the Government ordered restructuring of the Directorate of Prosecutions modifying the previous G. O. No. LAW 114 LAG 72, dated 30th December 1972. To implement the said order, a recruitment committee was constituted under the Chairmanship of the Law Secretary with the Commissioner for Home Affairs and the Inspector General of Police, Karnataka State as its members for recruiting the Director and the Deputy Directors of Prosecutions on permanent basis. The recruitment committee thus constituted selected Shri. D. Shankara Reddy as Director of Prosecutions in Karnataka (1) Sri V. R. Gopalaswamy, (2) Sri G. B. Gilgani and (3) Shri P. Seetharamaiah, were

selected as Deputy Directors of Prosecutions, directly from the Officers of the Karnataka Judicial Service. Two Senior Assistant Public Prosecutors viz., (1) Sri U. Radhakrishna Rao and (2) Sri N. M. Kazi were promoted as Deputy Directors of Prosecutions by the same Committee. Sri D. Shankara Reddy, who was appointed as Director of Prosecutions in Karnataka assumed charge on 22nd July 1976. Thus the Directors of Prosecutions in Dharwad and Bangalore who were working on deputation were repatriated to the parent Departments. Since 22nd July 1976, one Director began functioning for the entire State as Director of Prosecutions in Karnataka with headquarters at Bangalore. However, the Office of the Director of Prosecutions at Dharwad was continued without the Director but with the Deputy Director of Prosecutions as the Head of the Office till 15th November 1976. The Deputy Directors of Prosecutions who were selected by the aforesaid Committee were appointed with effect from 15th November 1976, thus bringing into existence the re-structured Directorate of Prosecutions with effect from the said date. As a result of the re-structured Directorate of Prosecutions in Karnataka coming into existence, the Directorate of Prosecutions at Dharwad, which was functioning under the Deputy Director of Prosecutions was abolished with effect from 15th November 1976. Sri H. N. Deshpande, the Deputy Director of Prosecutions, Dharwad Shri S. V. Tilul and Shri K. S. Narayanashastri, the Deputy Directors of Prosecutions working till then at Bangalore were repatriated to the parent Department viz. the Karnataka Judiciary.

The Office of the Director of Prosecutions which was formerly located in a small private building in Jayanagar was shifted to the Inspector General of Police Office premises in Nrupathunga Road, Bangalore during the early part of 1976 and it continued to function from the same premises. The Offices of the Deputy Directors of Prosecutions in the Divisional headquarters of the State, viz., Bangalore, Mysore, Belgaum and Gulbarga came into existence and began functioning from 15th November 1976. Their offices were located in the Office premises of the Deputy Inspectors General of Police of the concerned Ranges. In addition, one Deputy Director of Prosecutions exclusively for Bangalore Metropolitan Area came into existence also from the said date and began functioning independently with the Office located in the Office premises of the Commissioner of Police, Bangalore City.

The Director is Major Head of the Department of the Directorate of Prosecutions. The Deputy Directors of Prosecutions, the Public Prosecutors working in the Sessions Courts, the Senior Assistant Public Prosecutors and Assistant Public Prosecutors conducting prosecution in the Magistrates' Courts work under the supervision and disciplinary control of the Director of Prosecutions.

WORKING OF THE DIRECTORATE

The object of restructuring the Directorate of Prosecutions was to achieve better co-ordination and co-operation between the Investigating Agency and the Prosecution Department so that the cases of the prosecution on behalf of the State may be effectively projected before the Criminal Court in the State. To achieve the said object, the Office of the Director continued to function in close co-operation with the Inspector General of Police. The Offices of the Deputy Directors of Prosecutions continued to function in close co-operation with the Deputy Inspectors General of Police of the Ranges and the Commissioner of Police, Bangalore City.

The Director's functions included rendering advice to the Inspector General of Police in all matters of investigation and prosecution referred to him. Likewise, the function of the Deputy Directors included to advise the Deputy Inspectors General of Police of the Ranges and the Commissioner of Police, Bangalore City in all the cases referred to them in connection with investigation and prosecution. The main function of the Directorate of Prosecutions in Karnataka is to arrange for effective conduct of prosecution in all criminal cases before the Magistrates' Courts and the Sessions Courts on behalf of the State. It also includes advising the Investigating Agency at the time of investigation of the cases as and when the matters are referred to the Directorate of Prosecutions by the Investigating Officers. These functions were carried out by the Officers of the Directorate of Prosecutions with the co-operation and co-ordination of the Investigating Agency during the year under report.

SCRUTINY OF JUDGMENTS AND ORDERS AND FURNISHING OPINION FOR APPEAL

The Prosecutions obtain copies of judgment of acquittal and orders of discharge as also judgement copies in cases in which inadequate sentence has been imposed by the Courts or where the accused were convicted for minor offences, acquitting in connection with more heinous offences and submitted the same along with their opinion in each of the cases within 15 days from the date of judgment or order to the Deputy Director of Prosecutions concerned. The Deputy Directors of Prosecutions scrutinising the judgements and perusing the opinion of the Prosecutor, finalise the cases furnishing their opinion in the matter as to the fitness of the case for preferring an appeal or revision and in consultation with the Deputy Inspectors General of Police of the Ranges, send the case records to the Office of the Director of Prosecutions. The Director in consultation with the Inspector General of Police expressing his own opinion in the cases as to their fitness for preferring appeal or otherwise, recommend the case to the Government for taking final decision in the matter.

SCRUTINY OF CHARGESHEETS AND ADVICE TO THE I.O.

The restructured Directorate encouraged very liberally the Investigating Officers to approach any Officer of the Directorate of Prosecutions commencing from the Assistant Public Prosecutors to the Director of Prosecutions at any stage of investigation of cases to consult and obtain their advice and guidance. At the same time, scrutiny of chargesheets by the Prosecutors was tightened. The Investigating Officers were directed by the Inspector General of Police by separate orders to place the chargesheets in the cases after completing the investigation before the concerned Prosecutors. The Prosecutors in turn were directed to scrutinise the chargesheets, render advice and guidance to the Investigating Officers, pointing out the defects, lapses, omissions or deficiencies, if any, and instructing them to collect additional evidence if necessary or to rectify the chargesheets. After rectification of chargesheets, the Prosecutors are directed to submit the same into the Courts concerned. This procedure gave much relief to the Investigating Officers as the Prosecutors' guidance and advice was made available very liberally at all time to them.

When differences arose between the Investigating Officer and the Prosecutor, they were allowed to approach the Deputy Director of Prosecutions with the case papers for instructions and guidance. It is open to them to approach the Director of Prosecutions in any matter in connection with the investigation and prosecution of the criminal cases at any time and the doors of the Office of the Director was open to them for consultations and guidance. Encouraged by this, the Investigating Officers from the regular Police Department as also the Officers of the C.O.D. came in large numbers to the Offices of the Directorate of Prosecutions at all levels, held discussions in heinous and complicated cases during the stage of investigation and obtained advice and guidance in many cases throughout the year under report.

In addition, various other Departments of Karnataka Government were also encouraged to approach the Officers of the Directorate of Prosecutions for guidance and advice in all matters relating to offences under Special Acts. The Director rendered advice by furnishing opinion in various matters referred to him through the Law Department in connection with the withdrawal of prosecution as also institution of prosecution proceedings.

Under the restructured Directorate, two Senior Assistant Public Prosecutors assist the Director in his office and one Senior Assistant Public Prosecutor assists each of the Deputy Directors in their offices. However, the assistance of the Senior Assistant Public Prosecutors could not be secured during the year under report for want of sufficient number of Prosecutors. During the year under report, the Directorate examined and scrutinised in all 7122 judgements and orders in acquittal and discharged cases and recommended 802 cases to the Government for preferring appeals and revisions in the High Court.

The Directorate rendered advice to the Investigating Agency at the stage of investigation of cases and advice to Government by furnishing opinion in the withdrawal of prosecution and institution of prosecution in 95 cases during the year under report.

As in the previous years, the Directorate examined the Judgements and orders with three fold purpose. If the Directorate found that the Judges and Magistrates concerned erred bonafide in the application of law or appreciating evidence an appeal or revision as the case might be was recommended. If the Directorate found that the facts collected during investigation were not properly presented before the Courts by the concerned Prosecutors, the attention of such Prosecutors was drawn to it and suitable instructions were issued as also steps were taken to avoid such instances in future. At the same time, if the Directorate found the investigation was defective or there were serious lapses in it, such cases were brought to the notice of the concerned Superintendents of Police of the districts to enable them to tone up and take needful action against the Investigating Officers. The Superintendents of Police were also provided with copies of judgments in all such cases.

A number of occasions were utilised by the Deputy Directors of Prosecutions and the Director to address the Police Officers in the districts and in Bangalore City explaining as to the functioning of the Directorate of Prosecutions and to obtain greater co-operation and co-ordination from them. The Director of Prosecutions addressed the Senior Police Officers at the State Level Annual Police Officers' Conference of Bangalore during January 1977, explaining the good features of the restructured Directorate of Prosecutions and its functioning at all levels in the State. The co-operation and co-ordination extended by the Police Officers to the Directorate of Prosecutions during the year under report was satisfactory by and large.

STAFF OF THE OFFICE OF THE DIRECTOR OF PROSECUTIONS

The restructured Directorate has the Director with two Senior Assistant Public Prosecutors to assist him in the Office. A gazetted Assistant of the cadre of Class-I Officer, an Accountant one Stenographer, two First Division Clerks, two Second Division Clerks and Two typists are the staff. Immediately after the Directorate was restructured, slowly all the officials working on the staff of the Offices of the Directors of Prosecutions, Dharwad and Bangalore on deputation were repatriated to their parent departments. Cadre and Recruitment Rule were published by the Government. An Under Secretary cadre Officer from the Secretariat was deputed as Gazetted

Assistant to the Director. Clerks' posts were filled up by obtaining allotment from the Karnataka Public Service Commission. Recruitment was made to the posts of Stenographers and Typists in the offices of the Director and Deputy Directors of Prosecutions and the posts were filled up on permanent basis. Accountants in the Office of the Deputy Directors and Director were however obtained on deputation as the said posts are to be filled up on promotion and the same could not be filled up by direct recruitment.

Due to heavy work in the Office of the Director of Prosecutions, much difficulty was experienced due to insufficient staff provided to his office. There is great need for a post of Deputy Director of Prosecutions in the Office of the Director of Prosecutions. Additional Stenographer to the Director of Prosecutions for purposes of attending the administration work, two Stenographers one to each of the Senior Assistant Public Prosecutors to deal with opinion matters and establishment are also required. Two more First Division Clerks and two more Typists are very badly needed for the Office of the Director of Prosecutions. One post of Accounts Superintendent is very necessary to the Office of the Director as the entire Accounts matters relating to all the Officers of the Department are to be attended to in the Chief Office. Efforts were made for obtaining sanction of some of the posts mentioned above; but without success due to economy measures in force. However, further efforts are being made in that behalf.

DEPUTY DIRECTOR'S OFFICE AND THE STAFF

The staff of each of the Deputy Director's Offices consists of a Superintendent of the Office, Accountant, two First Division Clerks two Second Division Clerks one Stenographer two Typists and a dalayath and one Watchman. Except for the fact that one more Stenographer is necessary for the Senior Assistant Public Prosecutor attending to opinion matters in the Deputy Director's Office, generally the Clerical staff provided to the Deputy Directors is just sufficient. One Dalayat's post is not sufficient for the Deputy Director's Office. In addition, one Cycle-orderly for attending to Tappals and one Attender are very badly needed to the Deputy Directors' Offices. The efforts to obtain sanction for the same also did not meet with success due to economy measures. Further efforts are to be made to obtain sanction for the same for effective working of the Deputy Directors' Offices and in order to give incentive to the Dalayats and Watchman for promotional chances.

ASSISTANT PUBLIC PROSECUTORS

The strength of the Prosecutors was raised and fixed at 110 Assistant Public Prosecutors and 30 Senior Assistant Public Prosecutors. There were short of the Officers of the cadre of Assistant Public Prosecutors and Senior Assistant Public Prosecutors in the Department. The Departmental Recruitment Committee was constituted by the Government during the year under report under the Chairmanship of the Secretary for Law and Parliamentary Affairs. The Commissioner for Home Affairs, the Inspector General of Police and the Director of Prosecutions are the members of the Committee. Cadre and Recruitment Rules for the Department were framed and published. The Recruitment Committee recruited 21 Assistant Public Prosecutors during the year under report, to fill up all the posts of the Prosecutors. Actual appointments and posting of the new Prosecutors was of course made during the commencement of subsequent year.

It is, however, felt that the sanctioned strength of Assistant Public Prosecutors and Senior Assistant Public Prosecutors in the Department is not sufficient to attend prosecution work in all the Criminal Courts effectively. In about 13 Courts of Magistrates of the First Class, Prosecutors could not be posted to conduct prosecution in criminal cases for want of sanctioned posts of prosecutors. Criminal Courts are more in number than the Prosecutors in the Department of Directorate of Prosecutions. Therefore, 13 Prosecutors were placed in charge of conducting prosecution in 26 Courts of Magistrates of First Class working at different places at the rate of one Prosecutor to conduct prosecution in two courts. Likewise, in district headquarters in 2 to 3 Civil Judges *cum* Chief Judicial Magistrates' Courts, one Senior Assistant Public Prosecutor was posted to conduct prosecution for want of sufficient number of sanctioned posts of Senior Assistant Public Prosecutors. In course of time by experience, it is realised that unless one Prosecutor is posted exclusively to one Criminal Court to conduct prosecution and assist the court, the object of speedy disposal of criminal cases cannot be achieved. Efforts are to be made to obtain sanction for more posts of Assistant Public Prosecutors and Senior Assistant Public Prosecutors to enable the Department to arrange for posting one Prosecutor to each of the criminal courts to conduct prosecution in order to realise the object of quick disposal of criminal cases by the Courts. It is also felt that one Senior Assistant Public Prosecutor is not sufficient to assist in the work of scrutiny of judgements and orders and furnishing opinion in the offices of the Deputy Directors of Prosecutions. Work of scrutiny of judgments is very heavy in all the Divisions, viz., Belgaum, Gulbarga, Mysore and Bangalore, except to a little extent in Bangalore City Metropolitan Area. Therefore, another Senior Prosecutor to assist the Deputy Director and one more Senior Assistant Public Prosecutor to assist the Director are very necessary. Further, the increase of posts of Assistant Public Prosecutors and Senior Assistant Public Prosecutors as stated above would help for placing some officers working in the offices of the Deputy Directors and Director in additional charge of the Assistant Public Prosecutors and Senior Assistant Public Prosecutors working in the Courts when the said officers proceed on long leave so that the prosecution work in the Courts may be continued without any obstruction.

STAFF TO THE SENIOR ASSISTANT PUBLIC PROSECUTORS AND ASSISTANT PUBLIC PROSECUTORS

There is no staff at all to the Senior Assistant Public Prosecutors and Assistant Public Prosecutors. In the districts of Gulbarga, Raichur and Bidar, a Typist who was assisting the Prosecutors in the old set-up has been continued on temporary basis. Those Typists are borne on the establishment of the Police Department. There are innumerable complaints day-in and day-out from the Prosecutors working in the said region that the said Typists are not allowed to function in their Offices regularly. The Police Officers in the district are sharing the services of the Typists and therefore, the work in the Offices of the Assistant Public Prosecutors is very much hampered. There is no assistance of a Clerk or a Typist in the Offices of the Senior Assistant Public Prosecutors and Assistant Public Prosecutors in the remaining districts of the State. Since the Directorate of Prosecutions came into existence, a number of representations have been made and proposals are sponsored by the Directorate, requesting the Government for sanction of uniform pattern of staff to the Prosecutors. The work in the Prosecutors' Office has increased; they are to maintain a number of Registers. They should submit a number of monthly returns and quarterly returns to the Directorate of Prosecutions. They should scrutinise the charge sheets, make observations in writing as to the defects and lapses in the investigation and send the same to the Investigating Officers for rectification. They should correspond with the Police Officers in connection with the service of summons and bringing the witnesses and so on. They should obtain copies of judgments, scrutinise the same and furnish opinion to the Directorate of Prosecutions as to whether a case is fit for preferring appeal or revision or otherwise, in all cases ending in acquittal or discharge. The Assistant Public Prosecutors are Class-II Gazetted Officers; The Senior Assistant Public Prosecutors are Class-I Gazetted Officers. There is no any other Department of Government of Karnataka, in which Gazetted Officers are made to function without the assistance of even one Clerk or Typist or a Peon or Attender. If the Prosecutors are to function smoothly and conduct prosecution efficiently, and effectively sanction of a Clerk-cum-Typist post to each of the Prosecutors is a must. Efforts are being made with the Government to obtain sanction of the same. It is requested that the Government may be pleased to finalise the same and accord sanction of one Clerk-cum-Typist to each of the Prosecutors working in the State very early.

ACCOMMODATION

The accommodation for the Director's office may be stated to be just sufficient. However, it is necessary that the Director's Chamber and the Office premises should be adjacent to each other in one compact premises for having effective control over the staff. At present, the office of the Director is located in different blocks in the premises of the office of the Inspector General of Police. His Chamber and the P.A.'s room are located in another block. It is hoped that when the new building which is under construction in the Inspector General of Police's Office premises is ready for occupation, suitable and sufficient accommodation in one compact block would be provided to the Office of the Director.

Accommodation now provided for location of Deputy Directors' Offices in the Divisional Headquarters and Bangalore City is generally not sufficient. The accommodation provided in Gulbarga for the Deputy Director's Office is a little better than the accommodation provided in other places. In Mysore the Deputy Director's Office and the Chambers of the office are in two different places altogether. The Office is located in a very congested small building away from the building where the Chamber of the Deputy Director is located. Every staff member is made to sit in a separate congested tiny room without sufficient ventilation. The Superintendent of the Office and the Deputy Director are not able to have full and effective control over the staff members in such a situation. Efforts are being made to obtain better accommodation for the staff in one building very near to the Deputy Director's Chambers. It is hoped that the Police Department would co-operate and assist us in that behalf. The worst hit and most insufficient is the accommodation made available to the Deputy Director, Bangalore City in the Police Commissioner's Office premises. Likewise, in Belgaum also, the accommodation provided in the Office of the Deputy Inspector General of Police is neither comfortable nor sufficient. In fact, there is no separate independent entrance to the Deputy Director's Office in Belgaum. It is hoped that the Dy. Insp. General of Police will assist us in providing sufficient and better accommodation to the Deputy Director and the staff. The Deputy Director's Office in the Central Range Deputy Inspector General of Police Office premises, has to be improved to provide better facilities to the Officers and the staff members.

ACCOMMODATION TO SENIOR ASSISTANT PUBLIC PROSECUTORS AND ASSISTANT PUBLIC PROSECUTORS

In many places in the State in the Court premises, no accommodation is made available to the Prosecutors. The Prosecutors' Office premises must be as a matter of principle in a portion of the Court premises itself or atleast in the Court compound so that, the Prosecutor may work effectively and conveniently. Wherever some accommodation is provided in the Court premises, it is as though that the same is provided to the Prosecutors' Office gratis or at the sweet will and pleasure of the Presiding Officers of the said Courts. Many instances were brought to the notice of the Director that in several places for some reason or the other, when there was no cardinal

relationship between the Presiding Officer of the Court and the Prosecutor, the Presiding Officer directed the Prosecutor to vacate the room provided to him in the Court premises or to move or shift to a smaller and more inconvenient room on the pretext of lack of accommodation for Court staff. There are instances where the Prosecutor was made to vacate the room occupied by him in the Court premises whenever additional accommodation was required for the Court staff or another additional Court was established. Thus in the Court premises wherever some accommodation has been provided the same has been on precarious terms and conditions that whenever the Presiding Officer of the Court required the Prosecutor to vacate for any reason whatsoever and at times, at the sweet will and pleasure, the Prosecutor had to vacate. This kind of providing accommodation in the Court premises is as good as not providing accommodation at all. Proposals are made to the Government by the Directorate of Prosecutions urging for providing separate and sufficient accommodation in the Court premises either providing a portion of the Court building itself, wherever it is available, or by construction of separate block of building in the Court compound itself for locating the Prosecutor's Office. In all the places where sufficient accommodation is made available in the Court building for the Prosecutors' Offices, it must be permanent and that neither the Presiding Officer of the Court nor even the District Judge of the district should have the authority to ask the Prosecutor to vacate. When the High Court feels that additional accommodation is required to the Court and the Prosecutor will have to vacate, the Government may be addressed by the High Court in the matter and on the direction of the Government the Prosecutor should vacate the accommodation provided in the Court premises, in case it is required by the Courts. The Government alternatively should provide accommodation elsewhere in the Court compound to the Prosecutor. Such arrangement should be made so that the Prosecutor may discharge his duties fearlessly and efficiently. The Government will be urged to construct suitable buildings for locating the offices of the Prosecutors in every criminal Court compound in phased programme.

FURNITURE AND LIBRARY

Immediately after the establishment of the Deputy Directors' Offices, the furniture and the statute books and law journals required for the Deputy Directors' Offices were purchased and made available to them. A small reference library thus provided to the Deputy Directors will be improved by adding useful text books and law journals in the years to come. The Deputy Directors were provided with telephones in the office and residence during the year under report to enable them to have urgent and frequent contact with the Police Officers and the Officers of Directorate of Prosecutions elsewhere including the Director for consultations and communication of urgent matters in day-to-day routine official work.

Criminal Law Journal, Nyaya Sudha and Karnataka Law Journal were supplied to the Deputy Directors during the year under report.

No furniture is available in the Prosecutors' Offices and no furniture could be supplied to them for use in them for use in the Offices for want of sanction of required funds, though proposals were made by the Directorate urging the Government to provide for the same. Efforts will be continued to obtain sanction of Government for providing the minimum required number of furniture for the use of the Prosecutors. Sufficient number of law books were supplied to the libraries of the Prosecutors during the year under report. The Criminal Law Journal and the Nyaya Sudha Kannada Law Journal were supplied to the Prosecutors during the year to keep them abreast of the latest decisions of High Courts and Supreme Court.

The reference library in the Director's Office was further improved by addition of law journals and text books on law during the year under report. As in the previous years, the following law journals were subscribed for, during the year.

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| (1) The All India Reporter | (Monthly) |
| (2) Criminal Law Journal | (") |
| (3) Nyaya Sudha | (") |
| (4) Supreme Court Cases | (") |
| (5) Accidents Claims Journal | (") |
| (6) Karnataka Law journal | (Weekly) |
| (7) Supreme Court Weekly Report | (Weekly) |
| (8) All England Law Reports | (") |

PUBLIC PROSECUTORS

Some Public Prosecutors working in the districts in the State are provided with accommodation for their Offices and some have no accommodation to locate their Offices. The Public Prosecutors' Offices in Bangalore City Metropolitan Area and Bangalore Rural District have not been provided with sufficient and comfortable accommodation in spite of the fact that a new District Court complex building has been occupied by the Courts in the City. A wooden cabin accommodation in the open verandah is made available to the Public Prosecutor in the City. It is neither secure nor comfortable nor sufficient. Wooden partitioned, very small accommodation which is provided to the Bangalore rural district Public Prosecutor at Mayohall is absolutely insufficient. It is necessary to provide better accommodation to the Public Prosecutors in Bangalore.

City and Bangalore District, The Public Prosecutors, Bangalore City and district and major cities like, Mysore, Dharwad, Mangalore, Belgaum, Gulbarga and so on should be provided with telephones to enable them to contact the Police Officers and the Officers of the Directorate of Prosecutions urgently whenever they require their assistance and advice in official matters. The Public Prosecutors are given to the administrative control of the Director of Prosecutions but some of the matters relating to them are yet with the Deputy Commissioners of the districts. For instance, supply of stationery and serviceables to the Public Prosecutors is to be made by the Deputy Commissioners. Lots of complaints are received from the Public Prosecutors that the supply of the same is not being made to them sufficiently or in time by the Deputy Commissioners. It is, therefore, necessary that the supply of stationery and serviceables to the Public Prosecutors should be entrusted to the Directorate of Prosecutions by issuing separate orders by the Government. It is needless to state that the Public Prosecutors Offices are permanent though the Public Prosecutors are appointed on term basis. In view of the work load and several items of work entrusted to them in the present set-up of the Directorate of Prosecutions, it is very necessary that all the Public Prosecutors should be provided with staff, at least with a Clerk-cum-Typist. The present system of a Second Division Clerk being deputed from the Sessions Court to the Public Prosecutors' office to attend to the work should be discontinued as it is not working satisfactorily. The Public Prosecutor and the Government Pleader was one and the same individual during the past several years. Since a few years, the posts of the Government Pleader and Public Prosecutor in the district are filled up by appointing two separate individuals. The Second Division Clerk provided from the District Court has to be shared by the Government Pleader and the Public Prosecutor. There is a complaint that the Clerk is neither working under the Government Pleader nor under the Public Prosecutor. The work of both the Offices is suffering. The Public Prosecutor in some districts viz., Kolar, Tumkur, Hassan, Mandya, Chikmagalur and Chitradurga are not provided with even the assistance of Second Division Clerk from the District Court. No Public Prosecutor's Office is equipped with either a library or the minimum required furniture. It is, therefore, requested that the Government may be pleased to make provision and accord sanction for supply of furniture and give the assistance of a Clerk-cum-Typist to each of the Public Prosecutors in the districts. It is also necessary that the Directorate should be empowered to supply minimum required books and law journals to the Public Prosecutors for equipping them to discharge their functions efficiently.

INSPECTIONS

Periodical inspections of the Offices of the Public Prosecutors/Senior Assistant Public Prosecutors/Assistant Public Prosecutor were undertaken by the Director of Prosecutions. The Director undertook inspection tours to several places in the State during the year; and addressed Police officers in connection with investigation of cases and explaining the working of the restructured Directorate of Prosecutions and give guidance to the Prosecutors. The Prosecutors performance in the Courts was also watched by attending the Courts when the Prosecutors were conducting prosecution. All these items of work was attended to and would be continued to tone up the morals and efficiency of the Prosecutors.

The Deputy Directors were instructed to make surprise visits and go on inspection tours to inspect the Offices of the Assistant Public Prosecutors and Senior Assistant Public Prosecutors and to watch the performance of the Prosecutors in the Courts as also to guide the Prosecutors and Police Officers in their respective divisions. However, the greatest hindrance posting the Deputy Directors is lack of official conveyance. The Deputy Directors are having jurisdiction over 4 to 6 districts in each Division. It is very large area to cover. They will have to tour in the mofussil places where the Courts are located and the Prosecutors are working. To move from place to place and to make surprise visits as also to undertake official inspection tours to increase the efficiency in the Department and to return to the headquarters to attend to his normal and regular work of scrutiny of judgements and furnishing opinion, it is very necessary to provide an official conveyance viz., an Ambassador Car to each of the Deputy Directors of Prosecutions, taking into consideration the nature of work they are entrusted with to attend to and the vast area they are expected to tour in the course of discharging official duties. The Government will be urged for providing official conveyance to each of the Deputy Directors of Prosecutions in the immediate near future.

CONCLUSION

The restructured Directorate having come into existence with effect from 15th November 1976, was still in infant stage during the year under report. However, during the short period it made sufficient impact in gaining impressive importance and achieving by and large greater co-operation and co-ordination between the Investigating Agency and the prosecution Department at all stages of investigation and conduct of prosecution in criminal cases before Courts in spite of lack of sufficient accommodation, staff and furniture. Efforts were made in all the directions to increase the efficiency of the Prosecutors and to raise their morale and to make them to render assistance, guidance and advice to the Investigating Agency at all level.

With this strong foundation laid it is earnestly hoped that better results in the Department would be achieved in the years to come by the continuous, strenuous efforts and co-operation of all the concerned.